

REMARKS

Claims 1-84 were examined. Applicant has cancelled claims 19, 29, 59, and 68, amended claims 1, 5, 11-13, 17, 20, 24, 26-27, 30, 32, 40-42, 48-55, 58, 60, 63-67, 69-70, 72-73 and 82-83 and claims 85-102 are newly presented. No new matter has been added.

Rejections under 35 U.S.C. §112

Claims 5, 34 and 62 stand rejected under §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The examiner states that these claims all lack proper antecedent basis for "the electrode assembly". The claims have been amended to overcome this ground of rejection.

Rejections under 35 U.S.C. §102

Claims 1-4, 6-10, 14 and 15 are rejected under §102(b) as anticipated by Eggers.

Claims 1, 14, 25, 30, 43, 56-68, 71 and 84 are rejected under §102(b) as anticipated by Pomeranz.

Claims 1, 18-18, 21-23, 28-29 are rejected under §102(b) as anticipated by Negus et al.

Rejections under 35 U.S.C. §103

Claims 16, 45 and 73 stand rejected under §103(a) as being obvious over Eggers.

Claims 31-33, 35-39, 44, 59-61, 63-67 and 72 stand rejected under §103(a) as being obvious over Pomeranz et al.

Claims 30, 46, 47, 50-52, 56, 58, 74, 75, 78-80 and 84 stand rejected under §103(a) as being obvious over Negus et al. in view of Swanson et al.

These grounds of rejection are respectively traversed.

In one embodiment of the present invention, as set forth in claim 1, a handpiece is provided with a handpiece assembly that includes a handpiece housing. An insert is detachably coupled to the handpiece housing. The insert includes an RF electrode with a conductive portion and a dielectric between the conductive portion and a skin surface when the RF electrode is positioned at the skin.

None of the references singularly, or in combination, teach or suggest an RF electrode that has conductive and dielectric positions, where the dielectric is positioned between the tissue surface and the conductive portion.

Allowable Subject Matter

Applicant thanks the examiner for the indication that claims 11-13, 19, 20, 24, 26, 27, 40-42, 48, 49, 53-55, 68-70, 76, 77 and 81-83 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, and that claims 5, 34 and 62 would be allowable if rewritten to overcome the §112 rejections and to include all of the limitations of the base claim and any intervening claims.

CONCLUSION

It is submitted that the present application is in form for allowance, and such action is respectfully requested.

The Commissioner is authorized to charge any additional fees which may be required, including petition fees and extension of time fees, to Deposit Account No. 08-1641 (Docket No. 39238-0753).

Respectfully submitted,

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Date: 12/17/03


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